

Notice of Allowability

Application No.

09/890,619

Examiner

Kimberly T. Wood

Applicant(s)

BIRGDEN ET AL.

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to interview 2/16/05.
2. ☒ The allowed claim(s) is/are 36,38-41,43-52,54-56,58,60-63,71-73,75-77 and 84-86.
3. ☒ The drawings filed on 02 August 2001 are accepted by the Examiner.
4. ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) ☒ All b) ☐ Some* c) ☐ None of the:
 1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☒ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.
THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

5. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
6. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
 - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
 - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
 - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.

Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
7. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

- | | |
|--|--|
| 1. <input type="checkbox"/> Notice of References Cited (PTO-892) | 5. <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 2. <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 6. <input type="checkbox"/> Interview Summary (PTO-413),
Paper No./Mail Date _____. |
| 3. <input checked="" type="checkbox"/> Information Disclosure Statements (PTO-1449 or PTO/SB/08),
Paper No./Mail Date 3/31/04 | 7. <input checked="" type="checkbox"/> Examiner's Amendment/Comment |
| 4. <input type="checkbox"/> Examiner's Comment Regarding Requirement for Deposit
of Biological Material | 8. <input checked="" type="checkbox"/> Examiner's Statement of Reasons for Allowance |
| | 9. <input type="checkbox"/> Other _____. |

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This is an office action for serial number 09/890,619.

Examiner's Amendment

An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with Gregory Ozga on February 16, 2005

The application has been amended as follows:

Claims 36, line 3, "and" has been deleted and -- a breakaway pivot assembly affixed on said mount;-- has been inserted.

Line 4, --and-- has been inserted after "mirror;".

Line 8, --pivotably connected to said breakaway pivot assembly and -- has been inserted after "diffuser".

Line 8, "from said mount" has been deleted.

Line 10, --and onto said breakaway pivot assembly so that said head will rotate-- has been inserted after "diffuser".

Claim 38, line 2, "37" has been deleted and --36-- has been inserted.

Claim 39, line 2, "37" has been deleted and --36--

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has been inserted.

Claims 41, line 3, "and" has been deleted and -- a breakaway pivot assembly affixed on said mount;-- has been inserted.

Line 4, --and-- has been inserted after "mirror;".

Line 8, --pivotably connected to said breakaway pivot assembly and-- has been inserted after "diffuser".

Line 8, "from said mount" has been deleted.

Line 11, --and onto said breakaway pivot assembly so that said head will rotate-- has been inserted after "diffuser".

Claim 43, line 2, "42" has been deleted and --41-- has been inserted.

Claim 44, line 2, "42" has been deleted and --41-- has been inserted.

Claim 46, line 3, "and" has been deleted and -- a breakaway pivot assembly affixed on said mount;-- has been inserted.

Line 4, --and-- has been inserted after "mirror;".

Line 9, --; and a load diffuser pivotably connected to said breakaway pivot assembly and extending laterally into and embedded in said foam core, wherein, in use, loads acting on said head are transmitted through said foam to said load diffuser and onto said breakaway pivot assembly so that said head will rotate-- has been inserted after "shells".

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Claim 54, line 2, "53" has been deleted and --52--
has been inserted.

Claim 58, line 9, "and" has been deleted after "shell;".

Claim 58, line 11, --;and a load diffuser extending
laterally into and embedded in said foam core from said mount,
wherein, in use, loads acting on said head are transmitted
through said foam to said load diffuser-- has been inserted
after "shells".

Claim 60, line 2, "59" has been deleted and --58-- has
been inserted.

Claim 62, line 2, "59" has been deleted and --58-- has
been inserted.

Claim 63, line 2, "59" has been deleted and --58-- has
been inserted.

Claim 71, line 10, "and" has been deleted.

Claims 71, Line 12, --; and a load diffuser extending
laterally into and embedded in said foam core from said mount,
wherein, in use, loads acting on said head are transmitted
through said foam to said load diffuser-- has been inserted
after "shells".

Claim 75, line 2, "74" has been deleted and --73--.

Claim 84, line 10, "and" has been deleted.

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Claim 84, line 12, "shell" has been deleted and --shells-- has been inserted.

Claims 84, line 12, --; and a load diffuser extending laterally into and embedded in said foam core from said mount, wherein, in use, loads acting on said head are transmitted through said foam to said load diffuser-- has been inserted before "shells".

Claims 86, line 11, "and" has been deleted.

Claim 86, line 13, "shell" has been deleted and --shells-- has been inserted.

Claim 86, line 13, --; and a load diffuser extending laterally into and embedded in said foam core from said mount, wherein, in use, loads acting on said head are transmitted through said foam to said load diffuser-- has been inserted before.

Claims 37, 42, 53, 57, 59, 64-70, 74, 78-83 have been canceled.

Allowable Subject Matter

The following is an examiner's statement of reasons for allowance: the prior art does not disclose a breakaway pivot assembly affixed on said mount; and a load diffuser pivotably connected to said breakaway pivot assembly and extending

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laterally into and embedded in said foam core wherein, in use loads acting on said head are transmitted through said foam to said load diffuser and onto said breakaway pivot assembly so that said head will rotate; or a porous foam gasket sandwiched between edges of said front and rear shells; or a hidden internal chamber formed between edges of said front and rear shells for preventing foam from escaping to the exterior of the shell.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Conclusion

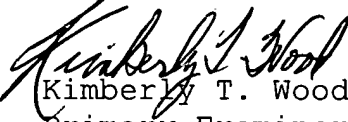
Any inquiry concerning this communication or earlier communications from the examiner should be directed to Kimberly T. Wood whose telephone number is 703-308-0539. The examiner can normally be reached on Monday-Thursday 7:30am to 5:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Leslie Braun can be reached on 703-308-2156. The fax phone number for the

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organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).


Kimberly T. Wood
Primary Examiner
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February 18, 2005